

## Environmental Protection Agency

## § 97.351

(2) If the Administrator already recorded such CAIR NO<sub>x</sub> Ozone Season allowances under § 97.353 and if the Administrator makes such determinations before making deductions for the source that includes such recipient under § 97.354(b) for the control period, then the Administrator will deduct from the account in which such CAIR NO<sub>x</sub> Ozone Season allowances were recorded under § 97.353 an amount of CAIR NO<sub>x</sub> Ozone Season allowances allocated for the same or a prior control period equal to the amount of such already recorded CAIR NO<sub>x</sub> Ozone Season allowances. The CAIR designated representative shall ensure that there are sufficient CAIR NO<sub>x</sub> Ozone Season allowances in such account for completion of the deduction.

(3) If the Administrator already recorded such CAIR NO<sub>x</sub> Ozone Season allowances under § 97.353 and if the Administrator makes such determinations after making deductions for the source that includes such recipient under § 97.354(b) for the control period, then the Administrator will apply paragraph (e)(1) or (2) of this section, as appropriate, to any subsequent control period for which CAIR NO<sub>x</sub> Ozone Season allowances were allocated to such recipient.

(4) The Administrator will transfer the CAIR NO<sub>x</sub> Ozone Season allowances that are not recorded, or that are deducted, in accordance with paragraphs (e)(1), (2), and (3) of this section to a new unit set-aside for the State in which such recipient is located.

### § 97.343 Alternative of allocation of CAIR NO<sub>x</sub> Ozone Season allowances by permitting authority.

(a) Notwithstanding §§ 97.341, 97.342, and 97.353 if a State submits, and the Administrator approves, a State implementation plan revision in accordance with § 51.123(ee)(2) of this chapter providing for allocation of CAIR NO<sub>x</sub> Ozone Season allowances by the permitting authority, then the permitting authority shall make such allocations in accordance with such approved State implementation plan revision, the Administrator will not make allocations under §§ 97.341 and 97.342 for the CAIR NO<sub>x</sub> Ozone Season units in the State, and under § 97.353, the Adminis-

trator will record allocations made under such approved State implementation plan revision instead of allocations under §§ 97.341 and 97.342.

(b) In implementing paragraph (a) of this section and §§ 97.341, 97.342, and 97.353, the Administrator will ensure that the total amount of CAIR NO<sub>x</sub> Ozone Season allowances allocated, under such provisions and under a State's State implementation plan revision approved in accordance with § 51.123(ee)(2) of this chapter, for a control period for CAIR NO<sub>x</sub> Ozone Season sources in the State or for other entities specified by the permitting authority will not exceed the State's State trading budget for the year of the control period.

### APPENDIX A TO SUBPART EEEEE OF PART 97—STATES WITH APPROVED STATE IMPLEMENTATION PLAN REVISIONS CONCERNING ALLOCATIONS

The following States have State Implementation Plan revisions under § 51.123(ee)(2) of this chapter approved by the Administrator and providing for allocation of CAIR NO<sub>x</sub> Ozone Season allowances by the permitting authority under § 97.343(a):

Indiana  
Louisiana  
Michigan  
New Jersey  
North Carolina  
Ohio  
South Carolina  
Tennessee  
West Virginia (for control periods 2009–2014)  
Wisconsin

[65 FR 2727, Jan. 18, 2000, as amended at 72 FR 46394, Aug. 20, 2007; 72 FR 52293, Sept. 13, 2007; 72 FR 55068, Sept. 28, 2007; 72 FR 55659, 55672, Oct. 1, 2007; 72 FR 56920, Oct. 5, 2007; 72 FR 57215, Oct. 9, 2007; 72 FR 58546, Oct. 16, 2007; 72 FR 59487, Oct. 22, 2007; 72 FR 71579, Dec. 18, 2007; 72 FR 72263, Dec. 20, 2007; 73 FR 6041, Feb. 1, 2008]

### Subpart FFFF—CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System

#### § 97.350 [Reserved]

#### § 97.351 Establishment of accounts.

(a) *Compliance accounts.* Except as provided in § 97.384(e), upon receipt of a complete certificate of representation under § 97.313, the Administrator will establish a compliance account for the